

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-against-

20-cr-0300 (LAK)

DAVID LEANOS PEREZ,

Defendant.

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ORDER

LEWIS A. KAPLAN, *District Judge*.

Before the Court is defendant's *pro se* motion for a sentence reduction pursuant to 18 U.S.C. § 3582(c)(2).¹

On September 23, 2021, Judge Paul A. Crotty sentenced defendant principally to a term of imprisonment of 60 months.² On February 23, 2024, defendant moved for a reduction of sentence under Amendment 821 to the Sentencing Guidelines. On March 25, 2024, the Probation Office completed a Supplemental Presentence Report.³

The Supplemental Presentence Report correctly determined that defendant is ineligible for a sentence reduction under Amendment 821. First, defendant is ineligible for a reduction under Section 4A1.1 because he did not receive an enhancement for committing the

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Dkt 58.

²

Dkt 53.

On April 1, 2024, this case was reassigned to the undersigned.

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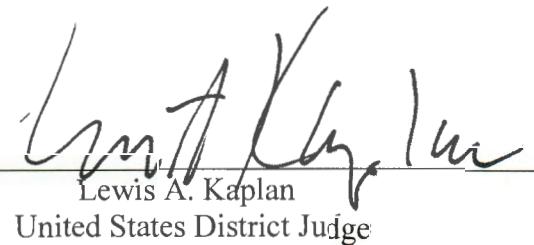
Dkt 59.

instant offense while under a criminal justice sentence.⁴ Second, defendant is ineligible for a reduction under Section 4C1.1 because he did not have zero criminal history points at the time he was sentenced.⁵

Defendant's motion for a sentence reduction pursuant to 18 U.S.C. § 3582(c)(2) is denied.

SO ORDERED.

Dated: April 2, 2024



Lewis A. Kaplan
United States District Judge

⁴

Dkt 45 (Final PSI) at 8; Dkt 50 (Def. Sent. Ltr.) at 1.

⁵

Dkt 45 (Final PSI) at 4, 8; Dkt 54 (Sent. Tr.) at 11:17-12:12.